

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  ENTERGY POWER GENERATION CORPORATION, HAWKEYE GENERATING, L.L.C.	DOCKET NOS. GCU-01-2 WRU-02-5-3624
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**ORDER ACCEPTING FILING, REQUIRING ADDITIONAL INFORMATION,  
SETTING PROCEDURAL SCHEDULE, AND GRANTING WAIVER**

(Issued February 6, 2002)

On December 27, 2001, Hawkeye Generating, L.L.C. (Hawkeye), filed with the Utilities Board (Board) an application pursuant to Iowa Code chapter 476A for a generating facility certificate to construct and operate a 615 MW combined-cycle, natural gas-fired, combustion turbine. The proposed facility will be called the Hawkeye Generating Facility and located at a site approximately 2.5 miles south of Orient, Iowa. Hawkeye held the informational meeting required by 199 IAC 24.7 on September 26, 2001.

Hawkeye stated that it has prepared its application in a manner consistent with the requirements of 199 IAC chapter 24. In addition, Hawkeye has stated that it has adhered to the proposed amendments to 199 IAC chapter 24 being considered in Docket No. RMU-01-7, which may at some point supercede existing rules. Consistent with the treatment of existing and proposed rules in Docket No. GCU-01-1, MidAmerican Energy Company, the Board will waive the requirements of

current 199 IAC chapter 24 that will be superceded by the proposed rules in Docket No. RMU-01-7. The Board will also waive the 90-day minimum period after acceptance to begin the hearing to the extent provided for in the procedural schedule to accommodate Hawkeye's proposed date for beginning construction.

The Board has reviewed Hawkeye's filing and finds that it is in substantial compliance with the Board's filing requirements. Nonetheless, some necessary information is required for the Board's review. Hawkeye will be required to file the following information within 15 days from the date of this order or as soon as the information becomes available.

1. On pages 1-4 of its application, Hawkeye states that it is currently negotiating with various entities to purchase power output on a wholesale basis from the facility, either through power purchase contracts, tolling arrangements, or joint ownership agreements. Hawkeye shall file these agreements with the Board when they become available. Such information will improve the Board's knowledge of the generation resources and perceived benefits to Iowa customers.

2. The map included in section 1-H of the application does not clearly indicate and identify existing lines or proposed lines inside and outside the facility. Hawkeye shall provide a general map of the transmission corridor and routing which shows all proposed transmission additions and the existing transmission network in the vicinity. In addition, Hawkeye shall address whether any transmission line franchises will be required for any proposed

lines and, if so, the anticipated date of filing. Hawkeye shall also identify who will own and pay to build the switchyard as well as who will be responsible for the operations and maintenance costs for the switchyard.

3. Section 2 of Hawkeye's application contains a list of the regulatory agency and zoning authority requirements for permits and licenses necessary to construct, maintain and operate the facility. It is important that the Board be informed of the status of the project. Therefore, Hawkeye shall advise the Board when permits and licenses are issued by other regulatory and zoning authorities.

**IT IS THEREFORE ORDERED:**

1. The application for a generating certificate filed December 27, 2001, by Hawkeye Generating, L.L.C., is accepted pursuant to 199 IAC 24.5.
2. The following procedural schedule is established for this proceeding:
  - a. The Consumer Advocate Division of the Department of Justice (Consumer Advocate) and any intervenors shall file prepared direct testimony, with underlying workpapers and exhibits, on or before February 27, 2002.
  - b. Hawkeye shall file rebuttal testimony, with underlying workpapers and exhibits, on or before March 19, 2002.
  - c. The parties shall submit a joint statement of issues on or before March 25, 2002.

d. A hearing in this matter shall commence at 9 a.m. on April 9, 2002, for the purpose of receiving testimony and the cross-examination of all testimony. The hearing shall be held in the Board's hearing room at 350 Maple Street, Des Moines, Iowa 50319-0069. The parties shall appear one-half hour prior to the time of the hearing for the purpose of marking exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

3. The Executive Secretary of the Utilities Board shall cause written notice of the acceptance of the application and procedural schedule to be served upon the United States Environmental Protection Agency, Federal Aviation Office, Iowa Department of Natural Resources, Natural Resource Commission, Environmental Protection Division of the Iowa Department of Natural Resources, Geological Survey Bureau, Office of Historical Preservation, Office of State Archaeologist, Community Action Agencies Division of the Department of Human Rights, Iowa Department of Transportation, U.S. Army Corps of Engineers, Adair County Board of Supervisors, Adair County Sanitarian, and all owners and lessees of record of real property located within 1,000 linear feet of the proposed site as required by Iowa Code § 476A.4(2)"c," as listed in Hawkeye's application.

4. In accordance with 199 IAC 24.6(1)"c," the Executive Secretary of the Utilities Board shall cause a notice of the procedural schedule attached as Appendix A to be published in a newspaper of general circulation in Adair County

once each week for two consecutive weeks, with the second publication being no later than 30 days after the date the order is issued.

5. Hawkeye Generating, L.L.C., shall file the additional information identified in the order within 15 days of the date of this order or as soon as the information is available.

6. Current rules located in 199 IAC chapter 24 that will be superceded by the proposed rules in Docket No. RMU-01-7 are waived to the extent discussed in this order.

7. In the absence of objection, all underlying workpapers shall become a part of the evidentiary record of these proceedings at the time the related testimony and exhibits are entered into the record.

8. In the absence of objection, all data requests and responses referred to in oral testimony or on cross-examination, which have not been previously filed, shall become a part of the evidentiary record of these proceedings. The party making reference to the data request shall file an original and six copies of the data request and response with the Board at the earliest possible time.

9. In the absence of objection, when the Board has called for further evidence on any issue and the evidence is filed after the close of the hearing, the evidentiary record will be reopened and the evidence will become part of the record five days after the evidence is filed with the Board. All evidence filed pursuant to this paragraph shall be filed no later than seven days after the close of the hearing in this proceeding.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 6<sup>th</sup> day of February, 2002.